## REMARKS

The application has been reviewed and revised in light of the Office Action mailed on May 17, 2006. The specification has been amended to correct minor clerical errors. Claims 58-115 are currently pending in the application, with Claims 58, 67, 77 and 86 being in independent form. By this amendment, Claims 58, 63-64, 66-67, 72-73, 76-77, 85-86, 92 and 94 have been amended. Claims 95-115 were withdrawn from consideration by the Examiner. Applicant hereby cancels Claims 95-115, yet reserves the right to file these claims in one or more divisional applications. New Claims 116-119 have been added. Support for the amendments is provided in the specification and drawings. No new matter or issues have been introduced by the amendment. In view of the amendments above and the remarks to follow, reconsideration and allowance of this application are respectfully requested.

### Rejection of Claims 58-59, 62-64, 66-68, 71-73, 75-80, 83-88 and 91-94 under 35 U.S.C. § 102

Claims 58, 59, 62-64, 66-68, 71-73, 75-80, 83-88 and 91-94 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,905,071 to Schmidt et al. (hereinafter "Schmidt et al.").

Applicants' Claim 58 recites:

> "A method for reading at least one optical code comprising:
> operating a scanning system in a first mode comprising generating light, and redirecting the light for generating a first set of scan lines for scanning a target optical code, said first set of scan lines including at least a first and second scan line, wherein the first and second scan lines have different orientations;
> operating the scanning system in the second mode comprising generating light, and redirecting the light for generating a second set of scan lines for scanning the target optical code, said second set of scan lines including at least one scan line, wherein the second set of scan lines includes less scan lines than the first set of scan lines;

> detecting light of at least one of the first set of scan lines and the second set of scan lines reflected from the target optical code and generating corresponding signals; and
>
> decoding the corresponding signals for reading the target optical code, wherein the orientation of the at least one scan line of the second set of scan lines is user selectable." (emphasis added)

Schmidt et al. is directed to a multi-mode laser-based bar code symbol reading device. A laser scanning engine is controlled to selectively operate in either an omnidirectional scanning mode or a single line scanning mode. In the omnidirectional scanning mode, the laser scanning engine projects an omnidirectional scanning pattern. In a rastered scanning mode, the laser scanning engine projects a rastered scanning pattern. In the single-line scanning mode, the laser scanning engine projects a single line scanning pattern. The reading device detects and decodes bar code symbols on objects passing through the scanning pattern, and produces symbol character data representative of decoded bar code symbols.

Schmidt et al., describes a few methods for selectively producing the omnidirectional scanning pattern and the single-line scanning pattern, including:. "i) selectively moving the first and second set of light folding mirrors to spatially arrange either the first or second set of mirrors into operating position; ii) movement of an optical control element into the optical path of the scanning beam between the laser diode and the rotating mirror; when activated, the optical control element causes the scanning beam to be directed to the second set of light folding mirrors (or the first set of light folding mirrors); and iii) selectively moving the rotating mirror so that is in operating position with respect to either the first or second set of light folding mirrors. An alternative mechanism controls the duty cycle of the laser diode to thereby produce either the omni-directional scanning pattern or the single line scanning pattern. Such a mechanism is suitable for configurations where the second set of light folding mirrors (which is used to produce the single scan line) is a subset of the first set of light folding mirrors (which is used to produce the omni-directional scanning pattern)."

With respect to an embodiment described by Schmidt et al., when "in the uni-directional (single scan line) scanning mode of operation, the duty cycle of the laser light source of the laser beam production module is controlled so that the laser beam is produced therefrom only during those intervals when the laser beam (as redirected by the rotating polygon 36) strikes the central stationary mirror 38C, thereby producing a unidirectional single line scanning pattern that passes through transmission window 168'."

Each of the omnidirectional, raster and uni-directional scanning patterns produced by the reading device described by Schmidt et al. is predetermined. Schmidt does not describe or suggest "operating a scanning system in a first mode for generating a first set of scan lines for scanning a target optical code", and "operating the scanning system in the second mode comprising generating light, and redirecting the light for generating a second set of scan lines for scanning the target optical code", "wherein an orientation of the at least one scan line of the second set of scan lines is user selectable", as recited by Applicants' Claim 58..

Claims 67, 77 and 86 include similar limitations as Claim 58. Therefore, for at least the same reasons given above for independent Claim 58, it is respectfully submitted that independent Claims 67, 66 and 86 are also believed to be patentable over Schmidt et al.

Accordingly, withdrawal of the rejection under 35 U.S.C. Section 102(e) with respect to Claim 58, 67, 77 and 86 and allowance thereof are respectfully requested. Dependent Claims 59, 62-64 and 66; 68, 71-73 and 75-76; 78-80 and 83-85; and 87-88 and 91-94 depend directly or indirectly from independent Claim 58, 67, 77 and 86, respectively, and therefore include the limitations of Claim 58, 67, 77 and 86. Accordingly, for at least the same reasons given for

Claim 58, 67, 77 and 86, Claims 59, 62-64 66, 68, 71-73, 75-76; 78-80, 83-85, 87-88 and 91-94 are believed to contain patentable subject matter, and are therefore patentable for at least the reasons given above for independent Claims 58, 67, 77 and 86.

Accordingly, for at least the reasons stated above, reconsideration and withdrawal of the rejection of dependent Claims 59, 62-64 66, 68, 71-73, 75-76; 78-80, 83-85, 87-88 and 91-94 is respectfully requested and allowance of the dependent claims is earnestly solicited. Additionally, Schmidt does not describe or suggest "selecting an amount of scan lines of the at least one scan line included in the second set of scan lines in accordance with the parameter request", as recited by Claims 63, 64, 66, 72, 73, 76, 85 and 94. Schmidt describes, on the other hand, a uni-directional mode in which only one scan line is generated.

### Rejection of Claims 1-14 and 21-24 and 48-57 under 35 U.S.C. § 103

Claims 60, 61, 69, 70, 81, 82 and 90 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schmidt et al. in view of U.S. Patent No. 5,825.,011 to Suzuki et al. (hereinafter "Suzuki et al."). Claims 65, 74 and 89 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Schmidt et al. in view of U.S. Patent No. 6,247,648 to Katz et al. (hereinafter "Katz et al."). Claims 60, 61 and 65; 67, 70 and 74; 81 and 82; and 89 and 90 depend from independent Claims 58, 67, 77 and 86, respectively. Therefore, for at least the same reasons given above for independent Claims 58, 67, 77 and 86, it is respectfully submitted that dependent Claims 60, 61, 65, 69, 70, 74, 81, 82, 89 and 90 are also believed to be patentable over Schmidt et al. It is respectfully submitted that Suzuki et al. and Katz et al. do not cure the deficiencies of Schmidt et al.

Accordingly, Claims 60, 61, 65, 69, 70, 74, 81, 82, 89 and 90 are believed in to patentable over Schmidt et al, Suzuki et al. and Katz et al., taken alone or in any proper combination, and withdrawal of the rejection under 35 U.S.C. Section 103(a) with respect to Claim 60, 61, 65, 69, 70, 74, 81, 82, 89 and 90 and allowance thereof are respectfully requested. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested and allowance of the dependent claims is earnestly solicited.

## Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that none of the references of record, considered individually or in combination, in whole or in part, disclose or suggest the claimed subject matter. Therefore, all claims now pending in this application are now in condition for allowance. Accordingly, early and favorable consideration of this application is respectfully requested.

Should the Examiner believe that a telephone or personal interview may facilitate resolution of any remaining matters, he is respectfully requested to contact Applicants' undersigned attorney at the telephone number indicated below.

Respectfully Submitted,

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